



#5/Election
8/30/02
Mullish

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **FUKUDA, Masatoshi et al.**

Group Art Unit: 2812

Serial No.: 10/020,951

Examiner: **KENNEDY, JENNIFER M.**

Filed: **December 19, 2001**

P.T.O. Confirmation No.: 8648

FOR: **SEMICONDUCTOR DEVICE AND METHOD FOR FABRICATING THE SAME**

RESPONSE TO THE RESTRICTION REQUIREMENT
DATED AUGUST 5, 2002

Commissioner for Patents
Washington, D.C. 20231

Date: August 27, 2002

Sir:

This paper is submitted in response to the Official Action dated **August 5, 2002**.

In the Action, restriction is required between Group (I), Claims 1-12, drawn to a semiconductor device; and Group (II), Claims 13-20, drawn to a method of making a semiconductor device.

Applicants hereby elect the subject matter of Group (I), Claims 1-12 for prosecution in this application. This election is made without traverse, it being understood that the applicants' rights to the filing of a divisional application directed to the non-elected subject matter under 35 USC 120 and 35 USC 121 are retained.

In the event that this paper is not timely filed, applicants hereby petition for an appropriate extension of time. The fee for any such extension may be charged to our Deposit Account No. 01-2340.

RECEIVED
AUG 28 2002
TECHNOLOGY CENTER 2800

In the event any additional fees are required in connection with this response, please charge our Deposit Account No. 01-2340.

Respectfully submitted,

ARMSTRONG, WESTERMAN & HATTORI, LLP



William G. Kratz, Jr.
Attorney for Applicant
Reg. No. 22,631

WGK/nrp
Atty. Docket No. **011724**
Suite 1000, 1725 K Street, N.W.
Washington, D.C. 20006
(202) 659-2930



23850

PATENT TRADEMARK OFFICE